



IN REPLY
REFER TO DESC-CPA

DEFENSE LOGISTICS AGENCY
DEFENSE ENERGY SUPPORT CENTER
8725 JOHN J. KINGMAN ROAD, SUITE 4950
FORT BELVOIR, VA 22060-6222

MAR 07 2000

CONTRACTING INSTRUCTION (CI): 00-3
MEMORANDUM FOR CI Distribution

SUBJECT: Alternative Dispute Resolution (ADR)

In accordance with DLAD 5145.1, it is DLA policy to consider the use of ADR in every situation where unassisted negotiations have not been effective. This CI is being issued to ensure that all DESC Contracting Officers promote the use ADR procedures in the resolution of controversies arising under a DESC contract.

Currently, the Contracting Officer's final decision language prescribed in FAR 33.211 does not include specific language addressing the use of ADR procedures. Contracting Officers are encouraged to include the following language as the last paragraph in their final decisions:

"In addition to these appeal rights, you may request that this dispute be resolved using Alternative Dispute Resolution (ADR) procedures. The use of ADR typically results in relatively expeditious and inexpensive dispute resolution. DESC is committed to using ADR whenever it is appropriate. Please keep in mind that choosing ADR does not suspend the respective 90 day and 12 month time periods for appealing this final decision. If you want to request ADR, or want more information about the various ADR options that are available, please contact me."

In accordance with DLAD 5145.1, a decision not to use ADR, after unassisted negotiations have failed, shall be made by an official one level above the contracting officer. In addition, a decision that ADR is inappropriate for a particular dispute must be documented in writing.

This CI is effective immediately and expires upon inclusion in DEPI 33.211. Point of contact is William Latimer, extension 8628 or Kathleen Murphy, DESC-G, extension 5011.


SHARON L. MURPHY
DESC Senior Procurement Official

